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April 26, 2005

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Our Ref. No.: SUN1P833

Re: Application No. 09/851,554

Pages Including Cover Sheet(s): 04

MESSAGE:

Dear Sir or Madam:

Please deliver the attached Statement of the Substance of the Interview to Examiner Yigdall.

Please enter this in the file.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Sokolov et al.

Attorney Docket No.: SUN1P833/P6212

Application No.: 09/851,554

Examiner: YIGDALL, MICHAEL J.

Filing Date: May 8, 2001

Group: 2122

Title: IDENTIFYING REFERENCES TO
OBJECTS DURING BYTECODE VERIFICATION


Confirmation No.: 4023

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to the Facsimile Number (703) 872-9306, United States Patent and
Trademark Office on April 26, 2005.

Signed: _____


Susan W. Xu**STATEMENT OF THE SUBSTANCE OF THE INTERVIEW**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Interview Summary dated April 11, 2005, please enter the
statement of the substance of the interview for the above-identified patent application
as follows:

Substance of the Interview begins on page 2 of this paper.

Substance of the Interview:

Applicant presented the following remarks for discussion regarding Claims 1 and 9 of the pending application at the interview:

(a) The verifier described by Steele Jr. does NOT teach or suggest determining whether a Java command is likely to place the only reference to a Java object on an execution stack (Claim 9)

In the Final Office Action, the Examiner has asserted that *Steele Jr.* teaches: "determining the number of references to an object" (Final Office Action, page 2). It is noted that *Steele Jr.* teaches: "number of reference variables (R) is determined" (*Steele Jr.*, Col. 16, lines 48-50). However, contrary to the Examiner's assertion, it is very respectfully submitted that determining the number of reference variables does NOT teach or suggest: determining the number of references to an object. Clearly, *Steele Jr.* is referring to variable slots used by a method (*Steele Jr.*, Col. 15, line 3), and NOT the number of references to a particular object. As such, it is respectfully submitted that *Steele Jr.* does NOT teach or suggest determining whether a Java command is likely to place the only reference to a Java object on an execution stack because, among other things, it fails to even teach: determining the number of references to an object.

(b) Determining control paths taught by Agesen et al. does NOT teach or suggest determining whether there is a change in the flow control (Claim 1)

It is noted that *Agesen et al.* teaches: "determining whether an instruction sequence includes code defining at least two control paths leading to a common jsr subroutine" (*Agesen et al.*, Col. 12, lines 55-59). However, contrary to the Examiner's assertion, it is very respectfully submitted that determining whether at least two control paths lead to a common subroutine, (see, Figs. 1 and 2 of *Agesen et al.*) does NOT teach or suggest determining whether there is a change in the flow control.

(c) Agesen et al. does NOT teach or suggest determining whether there is a change in flow control in connection with determining whether a command is likely to place a reference to an object on an execution stack (Claim 1)

Agesen et al. et al. pertains to removal of reference conflicts (*Agesen et al.*, Title). It is respectfully submitted that *Agesen et al.* does NOT teach or suggest:

determining control paths for the purpose or even in connection with determining: when an instruction is likely to place a reference on an execution stack. Accordingly, it is respectfully submitted that *Agesen et al.* cannot possibly teach or suggest this feature and claim 1 is therefore believed to be patentable over *Agesen et al.* for this additional reason.


(d) The Examiner has NOT made an prima facie case of obviousness because the Examiner has failed to provide a motivation or suggestion for combining *Agesen et al.* and *Steele Jr.*

It is very respectfully submitted that general allegation that *Agesen et al.* and *Steele Jr.* can be combined to improve garbage collection is NOT enough to establish a prima facie case of obviousness (see, for example, MPEP §2143.01, paragraphs 1 and 3). The Examiner needs to provide a motivation or suggestion in the references themselves, or in the general art, for combining the references in the first place. In this case, the Examiner has failed to provide a motivation or suggestion for combining *Agesen et al.* and *Steele Jr.* as the Examiner has merely made a general allegation that the combination would improve garbage collection.

Moreover, in this case, there is no motivation to combine the reference because, among other things, *Agesen et al.* pertains to "removal of reference conflicts" and not determining whether a command is likely to place a reference to an object on an execution stack. Again, eliminating conflicts associated with control paths is NOT the same goal or motivation for determining whether a command is likely to place a reference on an execution stack. As such, there is NO need or motivation to combine the analysis of control path in *Agesen et al.* with the teaching of *Steele Jr.*

Agreement with respect to the claims was not reached.

Respectfully submitted,
BEYER WEAVER & THOMAS, LLP


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